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Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ELISHA SHEPHERD,

Plaintiff,

vs.

MILTON J. JAKEWAY and the
UNITED STATES OF AMERICA,

Defendants.

Case No. 3:01-cv-333-JKS

**MOTION FOR LEAVE TO FILE
FIRST SUPPLEMENTAL
TRIAL BRIEF ONE DAY LATE**

Defendants move for leave to file their Supplemental Trial Brief one day late. Defendants' counsel gave First Supplemental Trial Brief to his legal assistant prior to attending a hearing in Bankruptcy court at 2:00 p.m., January 17, 2006 with instructions to make revisions and file when completed. His legal assistant did not file the brief as instructed. Defendants request leave to file First Supplemental Trial Brief one day late. Allowing correction of this oversight shall cause Plaintiff no prejudice.

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Respectfully requested this 18th day of January, 2006, in Anchorage, Alaska.

TIMOTHY M. BURGESS
United States Attorney

s/Richard L. Pomeroy
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CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2006,
a copy of the foregoing Defendant's
MOTION FOR LEAVE TO FILE
FIRST SUPPLEMENTAL
TRIAL BRIEF ONE DAY LATE
was served electronically on Yale H. Metzger.

via US mail on

LeRoy E. DeVeaux
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701 W. 41st Avenue, Suite 201
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s/ Richard L. Pomeroy